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**Publish date:**  
**9/10/12**

**WQC number: 898-4029A2-WQC-1**

## Public Notice

**Closing Date:**  
**10/9/12**

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This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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**Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits**

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Sidney Coal Company, Inc.  
**Mailing Address:** Alpha Natural Resources, 484 Tollage Creek  
Pikeville, KY 41501  
**Contact Person:** Larry Stanley  
**Telephone No:** (606) 218-9123  
**E Mail Address:** lstanley1@alphanr.com
2. **Consultant Name & Address:** Cory Russell, Summit Engineering, Inc.  
131 Summit Drive Pikeville, KY 41501  
  
**Telephone No.** (606) 432-1447  
**E Mail Address:** crussell@summit-engr.com
3. **Provide a brief description of the proposed activity and stream impact.**  
See attached Block 3
4. **Project Location Information:**  
  
**County** Pike; **USGS Quadrangle Name** Varney/Williamson  
  
**Nearest Community & Road Intersection:** The project is located near Sidney,  
KY near the junction of Rockhouse Fork Road and KY State Rte 468.  
  
**Longitude** -82.3908 **Latitude** 37.6699 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** \_\_\_\_\_  
Taylor Branch and a UT of Taylor Branch  
\_\_\_\_\_

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Taylor Branch – 388 acres

UT of Taylor Branch – 171 acres

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Taylor Branch – 377 linear feet of temporary impacts to intermittent stream

UT of Taylor Br – 145 linear feet of temporary impacts to intermittent stream

8. Provide the acreage of wetlands that would be impacted: 0

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

Traveling from Pikeville, turn right on Hwy 119 towards Sidney, KY. Drive approximately 12 miles where you will veer right off of 119 towards Sidney, KY. Turn left onto Big Creek Road (468). The project is located near the junction of Rockhouse Fork Road and KY State Rte 468.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ✓ No \_\_\_\_\_. If yes, indicate type of application:

NW 12 \_\_\_\_ NW 14 \_\_\_\_ NW 21 \_\_\_\_ NW 27 \_\_\_\_ NW 49 \_\_\_\_

NW 50 \_\_\_\_ Individual \_\_\_\_ Other 39

11. Provide the following permit numbers associated with this mining activity:

SMCRA Permit No. 898-4029 R2/A2, KPDES No. KYG046066

12. The following attachments must be provided:

a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.

b. A 7.5 minute topographic map delineating the proposed project area.

c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

A copy of the 404 Nationwide 39 Permit application has been provided.

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I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

 , Date: 7-30-12  
If signed by applicant's agent, attach power of attorney

**SUBMIT APPLICATION AND ATTACHMENTS TO:**

**WQC COORDINATOR  
DIVISION OF MINE PERMITS  
#2 HUDSON HOLLOW  
FRANKFORT, KENTUCKY 40601**

### **BLOCK 3**

Sidney Coal Company, Inc. (Sidney Coal) proposes to develop two parking areas overlying a portion of a UT of Taylor Branch and Taylor Branch, a tributary of Elkins Creek of Big Creek of the Tug Fork of the Big Sandy River. The parking areas will serve as employee parking for an adjacent underground mining operation. Culverts will be placed in two sections along the UT of Taylor Branch and Taylor Branch in order to construct the parking area. The total extent of the two parking areas will cover approximately 522 feet of jurisdictional waters and can be seen on the attached Mining and Reclamation Plan (MRP).

The construction of the parking areas is being permitted under Kentucky Department of Natural Resources (KDNR) Permit No. 898-4029 Revision 2 and Amendment 2. Revision 2 has been approved by KDNR and it includes 150 feet of culverted stream in Taylor Branch and 145 feet of culverted stream in a UT of Taylor Branch. The Amendment 2 application is still pending with KDNR and it includes an extension of the culverted stream in Taylor Branch of 227 feet. Revision 2 and Amendment 2 propose a total of 522 feet of culverted stream to construct the two parking areas. The section in Taylor Branch is proposed using a 72" diameter culvert and the section in the UT of Taylor Branch is proposed using the equivalent of two 60" diameter culverts.

The activities associated with this Nationwide Permit 39 application are limited to the construction of two parking areas in a UT of Taylor Branch and Taylor Branch. After mining activities supported by the parking area have been completed, the parking area and culverts will be removed and the streams will be restored.

The portion of the parking area approved by KDNR under permit number 898-4029 R2 has already been placed. Revision 2 included 150 feet of culvert in Taylor Branch (using the equivalent of two 60" diameter culverts) and 145 feet of culvert in the UT of Taylor Branch (using a 72" diameter culvert). This portion of the project had a volume of discharge and/or area excavated less than 10 cubic yards, which is the amount required for pre-construction notification under Section 404 Nationwide 18 Permit (Minor Discharges). Thus, this portion of the project under Revision 2 was completed initially under a Nationwide 18 Permit without notification. Once expansion of the parking area was proposed in Amendment 2, it was decided to submit an application to USACE for the entire project area under a Nationwide 39 Permit.

The proposed construction date for the project is immediately upon issuance of required federal and state authorizations. The expected life of the project is 5 years.